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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,775	03/26/2001	Thomas C. Rauscher	2316.1180US02	7820

7590 06/25/2004

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EXAMINER	
SHARON, AYAL I	

ART UNIT	PAPER NUMBER
2123	

DATE MAILED: 06/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/817,775	RAUSCHER, THOMAS C.	
	Examiner	Art Unit	
	Ayal I Sharon	2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 March 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 March 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *7/18/01, 7/11/02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Introduction

1. Claims 1-16 of U.S. Application 09/817,775 filed on 03/26/2001 are presented for examination.

Drawings

2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed. The Xeroxed Screenshots are not legible. Fig.1 is hand-drawn.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S.

patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. The prior art used for these rejections is as follows:

5. Rappaport et al., U.S. Patent 6,625,454. (Henceforth referred to as "**Rappaport**").

6. The claim rejections are hereby summarized for Applicant's convenience. The detailed rejections follow.

7. **Claims 7 and 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Rappaport.**

8. In regards to Claim 7, Rappaport teaches these limitations:

7. A method for generating drawings for design of communication equipment in a structure, the method comprising the steps of:

(a) providing a plurality of levels of technology-based drawings wherein each level represents a distinct level of detail of communication equipment;
(Rappaport, especially: col.14, lines 25-65; and Fig.9A)

Examiner interprets the "customized channels and frequencies" in Fig.9A as, Item 906 as corresponding to "distinct level of detail"

(b) providing a utility application that allows a user to search a master databases for products using search terms; and
(Rappaport, especially: col.8, lines 20-35)

Examiner interprets "... the designer is guided through a series of pull down menus and point-and-click options to define ... type of hardware components" as corresponding to "... using search terms ...".

(c) responding to user interaction to place a product symbol selected by a user in a level selected by the user.
(Rappaport, especially: col.8, lines 20-35)

9. In regards to Claim 13, Rappaport teaches the following limitations:

13. A method for generating drawings of a communication infrastructure, the method comprising the steps of;

(a) launching a drawing tool that designs floor plans;
(Rappaport, especially: col.8, lines 20-35; and col.14, lines 25-65; and Fig.9A)

(b) launching a CAD Tools that has access to all products saved in a master database;
(Rappaport, especially: col.8, lines 20-35; and col.14, lines 25-65; and Fig.9A)

(c) using the CAD Tools;
(Rappaport, especially: col.8, lines 20-35; and col.14, lines 25-65; and Fig.9A)

(d) selecting a product based on the search conducted in step (c); and
(Rappaport, especially: col.8, lines 20-35; and col.14, lines 25-65; and Fig.9A)

(e) transferring the product selected in step (d) to the floor plan.
(Rappaport, especially: col.8, lines 20-35; and col.14, lines 25-65; and Fig.9A)

10. In regards to Claim 14, Rappaport teaches the following limitations:

14. The method of claim 13 wherein step (c) comprises searching by text string.
(Rappaport, especially: col.8, lines 20-35; and col.14, lines 25-65; and Fig.9A)

11. In regards to Claim 15, Rappaport teaches the following limitations:

15. The method of claim 13 whereas step (c) comprises filling the search by manufacturer or category.
(Rappaport, especially: col.8, lines 20-35; and col.14, lines 25-65; and Fig.9A)

12. In regards to Claim 16, Rappaport teaches the following limitations:

16. The method of claim 13 whereas step (e) comprises pasting the selected product onto a clipboard and pasting the product on the clipboard to the drawing.
(Rappaport, especially: col.8, lines 20-35; and col.14, lines 25-65; and Fig.9A)

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14. The prior art used for these rejections is as follows:

15. Hartman, U.S. Patent 6,236,409. (Henceforth referred to as "**Hartman**"). This is the U.S. priority case of the International Search Report "X reference", WO 98/59310 A. The priority date of the Hartman reference is June 23, 1997.

16. Rappaport et al., U.S. Patent 6,625,454. (Henceforth referred to as "**Rappaport**").

17. "System Integrator Demonstration Book D-Tools Product Features", D-Tools, Inc. 43 pages. (2001). Cited by Applicant in IDS submitted July 23, 2001. (Henceforth referred to as "**D-Tools**").

18. The claim rejections are hereby summarized for Applicant's convenience. The detailed rejections follow.

19. Claims 1-6 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartman in view of Rappaport.

20. In regards to Claim 1, Hartman teaches the following limitations:

(a) searching a master database for a communication product using a utility application whereas the user can enter search terms;
(See Hartman, especially: col.1, line 34 to col.2, line 45 and col.6, lines 26-63)

Hartman teaches (col.2, lines 12-16) that "Data representing the product elements can be arranged in a hierarchical manner and stored in a relational database. In producing the design document, a selection is received for at least one product element." Examiner finds that accessing a database inherently requires "search terms."

(b) importing the product selected in step (a) to a drawing application;
(See Hartman, especially: col.1, line 34 to col.2, line 45 and col.6, lines 26-63)

Hartman teaches (col.1, lines 34-41) that "A design-builder entity then distributes the RFP to a design team of architects and engineers and a builder team. ... The design details are embodied in construction drawings and specifications. The details for the building include specific features, materials, products, systems, schematic diagrams, and so forth."

(c) exporting information about the communication product specified in step (a) to an estimating tool program which allows an estimate based on the communication product specified in step (a) to be created; and
(See Hartman, especially: col.1, line 34 to col.2, line 45 and col.6, lines 26-63)

Hartman teaches (col.1, lines 41-46) that "Using this design specification, the builder team may produce a financial document estimating the cost of the project and a construction schedule. At this point, if financial projections exceed the allocated budget, another iteration of the design may occur in an attempt to produce a design-builder proposal which is financially commensurate with the RFP."

(d) exporting information about the communication product specified in step (a) to a specification tool program which allows specifications of the communication product specified in step (a) to be created.
(See Hartman, especially: "Summary of the Invention", col.2, line 45 and col.6, lines 26-63)

Hartman teaches (col.1, line 66 – col.2, line 2) that "... while specification and estimator programs reduce the time necessary to create or change the textual portions of the proposal based upon the materials specified by the designers."

However, while Hartman teaches (col.1, lines 35-40) that "The details for the building include specific features, materials, products, systems, schematic diagrams, and so forth", Hartman does not expressly teach that the "products" being specified are communication equipment, as claimed in the preamble:

1. A method for generating drawings, estimates and specifications for design of communication equipment in a structure, the method comprising the steps of:

Rappaport, on the other hand, does expressly teach that the products being specified are communication network products. (See Abstract, Fig. 9A, and col.3, lines 45-56).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hartman with those of Rappaport, because, as Rappaport teaches (col.3, lines 37-42): "While there are many methods available for designing wireless networks that provide adequate coverage, there is no easy method to ensure that the system will be cost effective. For instance, even though the coverage may be more than adequate, given the chosen wireless infrastructure components, the total cost of the system would be prohibitive."

21. In regards to Claim 2, Hartman teaches the following limitations:

2. The method of claim 1 further comprising a step of previewing a product after step (a) before it is imported in step (b).
(See Hartman, especially: col.1, line 34 to col.2, line 45 and col.6, lines 26-63)

22. In regards to Claim 3, Hartman teaches the following limitations:

3. A computer for generating drawings, estimates and specification for design of communication equipment in a structure, comprising:

(b) an estimation tool program communicating with the drawing tool program wherein the estimation tool program generated an estimate for the communication equipment selected in step (a);
(See Hartman, especially: col.1, line 34 to col.2, line 45 and col.6, lines 26-63)

Hartman teaches (col.1, lines 41-46) that "Using this design specification, the builder team may produce a financial document estimating the cost of the project and a construction schedule. At this point, if financial projections exceed the allocated budget, another iteration of the design may occur in an attempt to produce a design-builder proposal which is financially commensurate with the RFP."

(c) a specification tool program communicating with the drawing tool program for generating specification of the communication equipment selected in step (a) ; and
(See Hartman, especially: "Summary of the Invention", col.2, line 45 and col.6, lines 26-63)

Hartman teaches (col.1, line 66 – col.2, line 2) that "... while specification and estimator programs reduce the time necessary to create or change the

textual portions of the proposal based upon the materials specified by the designers."

(d) a processor for running the drawing tool program, the estimation tool program and specification tool program.

(See Hartman, especially: Fig.1, Item 102 and col.4, lines 42-46)

However, while Hartman teaches a drawing tool, Hartman does not expressly teach the following limitation (emphasis added):

(a) a drawing tool program for selecting communication equipment to be designed in a structure and generating drawings of the selected communication equipment located in the structure wherein the **drawing tool has an application that can be launched to search for product located in a master database by search terms entered by a user**;

Rappaport, on the other hand, does expressly teach that "... the designer is guided through a series of pull down menus and point-and-click options to define the location, type of hardware components and associated performance characteristics of the antenna systems". (See Rappaport, col.14, lines 26-63).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hartman with those of Rappaport, because, as Rappaport teaches (col.3, lines 37-42): "While there are many methods available for designing wireless networks that provide adequate coverage, there is no easy method to ensure that the system will be cost effective. For instance, even though the coverage may be more than adequate, given the chosen wireless infrastructure components, the total cost of the system would be prohibitive."

23. In regards to Claim 4, Hartman teaches the following limitations:

4. A computer-readable medium having computer-executable instructions for the method recited in claim 1.

(See Hartman, especially: Fig.1, Item 124 and col.4, lines 27-35)

24. In regards to Claim 5, Hartman teaches the following limitations:

5. A computer data signal embodied in a carrier wave readable by a computing system and encoding a computer program of instructions for executing a computer program of instructions for executing a computer program performing the method recited in claim 1.
(See Hartman, especially: col.1, line 34 to col.2, line 45 and col.6, lines 26-63)

Examiner finds this to be inherent in any networked computer system. Hartman teaches (col.2, lines 23-26) that "The first overlay is sent to a second design-build device." Examiner interprets this as referring to a networked computer system.

25. In regards to Claim 6, Hartman teaches the following limitations:

a general purpose computing device;
(See Hartman, especially: col.1, line 34 to col.2, line 45 and col.6, lines 26-63)

a computer program comprising one or more program modules executable by the computing device wherein the program module comprise a drawing tool module for selecting communication equipment from a master database using search terms to be designed in a structure and generating drawings of the selected communication equipment located in the structure;
(See Hartman, especially: col.1, line 34 to col.2, line 45 and col.6, lines 26-63)

Hartman teaches (col.1, lines 34-41) that "A design-builder entity then distributes the RFP to a design team of architects and engineers and a builder team. ... The design details are embodied in construction drawings and specifications. The details for the building include specific features, materials, products, systems, schematic diagrams, and so forth."

In regards to "search terms", Hartman teaches (col.2, lines 12-16) that "Data representing the product elements can be arranged in a hierarchical manner and stored in a relational database. In producing the design document, a selection is received for at least one product element." Examiner finds that accessing a database inherently requires "search terms."

an estimating tool module communicating with the drawing tool module wherein the estimating tool module generates an estimate for the communication equipment selected using the drawing tool module; and
(See Hartman, especially: col.1, line 34 to col.2, line 45 and col.6, lines 26-63)

Hartman teaches (col.1, lines 41-46) that "Using this design specification, the builder team may produce a financial document estimating the cost of the project and a construction schedule. At this point, if financial projections exceed the allocated budget, another iteration of the design may occur in an attempt to

produce a design-builder proposal which is financially commensurate with the RFP."

a specification tool module communicating with the drawing tool module for generating specifications of the communication equipment selected using the drawing tool module.
(See Hartman, especially: col.1, line 34 to col.2, line 45 and col.6, lines 26-63)

Hartman teaches (col.1, line 66 – col.2, line 2) that "... while specification and estimator programs reduce the time necessary to create or change the textual portions of the proposal based upon the materials specified by the designers."

However, while Hartman teaches (col.1, lines 35-40) that "The details for the building include specific features, materials, products, systems, schematic diagrams, and so forth", Hartman does not expressly teach that the "products" being specified are communication equipment, as claimed in the preamble:

6. A system for generating drawings, estimates and specifications for design of communication equipment in a structure, the system comprising:

Rappaport, on the other hand, does expressly teach that the products being specified are communication network products. (See Abstract, Fig. 9A, and col.3, lines 45-56).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hartman with those of Rappaport, because, as Rappaport teaches (col.3, lines 37-42): "While there are many methods available for designing wireless networks that provide adequate coverage, there is no easy method to ensure that the system will be cost effective. For instance, even though the coverage may be more than adequate, given the chosen wireless infrastructure components, the total cost of the system would be prohibitive."

26. In regards to Claim 8, Hartman does not expressly teach the limitations of Claim 8. Rappaport, on the other hand, expressly teaches these limitations:

> 8. A computer according to claim 2 further comprising a database for storing information about a plurality of communication products wherein the database is coupled to communicate with the drawing tool program, the estimation tool program and the specification tool program and exchange information with those programs as needed.
> (Rappaport, especially: Fig.18 and col.30, line 45 to col.31, line13)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hartman with those of Rappaport, because, as Rappaport teaches (col.3, lines 37-42): "While there are many methods available for designing wireless networks that provide adequate coverage, there is no easy method to ensure that the system will be cost effective. For instance, even though the coverage may be more than adequate, given the chosen wireless infrastructure components, the total cost of the system would be prohibitive."

27. In regards to Claim 9, Hartman does not expressly teach the following limitations:

> 9. A computer according to claim 8 wherein the information about a plurality of communication products includes manufacturer and cost.

Rappaport, on the other hand, does expressly teach that the information about the communication network products includes manufacturer and cost. (See Fig. 17, Item 1611; and col.30, lines 25-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hartman with those of Rappaport, because, as Rappaport teaches (col.3, lines 37-42): "While there are many methods available for designing wireless networks that provide adequate

coverage, there is no easy method to ensure that the system will be cost effective. For instance, even though the coverage may be more than adequate, given the chosen wireless infrastructure components, the total cost of the system would be prohibitive."

28. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rappaport in view of Hartman.

29. In regards to Claim 10, Rappaport teaches the following limitations:

10. A method for testing communication equipment using a hand held tester, the method comprising steps of :

(a) specifying communication equipment for a structure using a drawing tool program;
(See Rappaport: col.8, lines 19-34; col.14, lines 26-64; and Fig.17, Item 1611; and col.30, lines 25-40)

(b) identifying each piece of communication equipment with a unique identification; and
(See Rappaport: col.8, lines 19-34; col.14, lines 26-64; and Fig.17, Item 1611; and col.30, lines 25-40)

However, Rappaport does not expressly teach the following limitations:

(c) downloading the unique identification of step (b) **to the hand-held tester**.

Hartman teaches (Fig.1, Item 122; and col.4, lines 35-42) the use of a network interface "for controlling communication signals between network devices". Examiner finds that a "hand-held tester" connected to the network constitutes a "network device".

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rappaport with those of Hartman, because, as Hartman teaches (col.2, lines 4-8): "... it can be appreciated that a substantial need exists for a method and apparatus that solves the above-

discussed problems, more specifically, to more efficiently allow multiple entities to work together while passing one or more documents between the entities."

30. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rappaport in view of D-Tools.

31. In regards to Claim 11, Rappaport teaches the following limitations:

11. A method for generating drawings, estimates and specifications for design of communication equipment in a structure, the method comprising steps of:
(Rappaport, especially: col.8, lines 20-35; and col.14, lines 25-65; and Fig.9A)

(a) searching a master database for a communication product using a utility application wherein a user enters search terms;
(Rappaport, especially: col.8, lines 20-35; and col.14, lines 25-65; and Fig.9A)

Examiner interprets "... the designer is guided through a series of pull down menus and point-and-click options to define ... type of hardware components" as corresponding to "... using search terms ...".

(b) selecting a product from the search conducted in step (a);
(Rappaport, especially: col.8, lines 20-35; and col.14, lines 25-65; and Fig.9A)

(c) inserting the product selected in step (b) in a computerized drawing;
(Rappaport, especially: col.8, lines 20-35; and col.14, lines 25-65; and Fig.9A)

(d) repeating steps (a) - (c) for as many products as needed; and
(Rappaport, especially: col.8, lines 20-35; and col.14, lines 25-65; and Fig.9A)

However, neither Rappaport does not expressly teach the following limitation:

(e) comparing the products inserted in step (c) with a do not forget list.

D-Tools, on the other hand, teaches (p.18) the creation of "Walk Through Check Lists." Examiner finds these to correspond to the claimed "do not forget lists."

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rappaport with those of D-Tools,

because it would "... increase the efficiency of your installers ..." (See D-Tools, p.18).

32. In regards to Claim 12, neither Rappaport does not teach the following limitation:

12. The method of claim 11 further comprising a step (f) of generating a list of products forgotten resulting from step (e).

D-Tools, on the other hand, teaches (p.18) the creation of "Walk Through Check Lists." Examiner finds that the unchecked boxes in such a list would inherently correspond to the claimed "list of products forgotten from step (e)."

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rappaport with those of D-Tools, because it would "... increase the efficiency of your installers ..." (See D-Tools, p.18).

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ayal I. Sharon whose telephone number is (703) 306-0297. The examiner can normally be reached on Monday through Thursday, and the first Friday of a biweek, 8:30 am – 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Teska can be reached on (703) 305-9704. Any response to this office action should be mailed to:

Director of Patents and Trademarks
Washington, DC 20231

Hand-delivered responses should be brought to the following office:

4th floor receptionist's office
Crystal Park 2
2121 Crystal Drive
Arlington, VA 22202

The fax phone number is: (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist, whose telephone number is: (703) 305-3900.

Ayal I. Sharon

Art Unit 2123

June 23, 2004

KEVIN J. TESKA
SUPERVISORY
PATENT EXAMINER